

CR 03-370

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SWORN DECLARATION OF MARSHALL RICHMOND

I, Marshall C. Richmond, hereby certify that I have made the following statements under the penalty of perjury of the Laws of the State of Oregon.

1. The Government alleges that between June 13, 2003, and July 1, 2003, a paid informant, Jerry Garner, alleges I sold him crack cocaine. I flatly deny that I sold Mr. Garner any crack cocaine.

2. At all times material hereto, I was under physical therapy with Frank Lockett at the times of the alleged controlled buys.

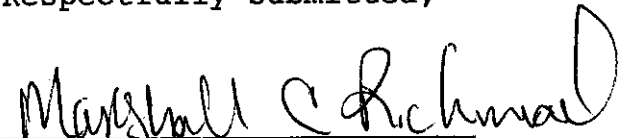
3. As a material point the actual drugs herein alleged were indeed cocaine, and not crack cocaine, I believe that my attorney was ineffective for not ensuring that the indictment stated the proper drug type.

4. My attorney was ineffective for permitting a trial witness to commit perjury regarding the dates he allegedly recorded a conversation. Christopher Watts testified that I was introduced to the paid informant, Jerry Garner, when the investigation started in May, 2003, and I was never introduced to or actually knew Mr. Garner.

5. I have attached parts of the record that bears my statements out, and it is my belief that Mr. Garner was buying drugs from another individual.

Dated this 19 day of January, 2010.

Respectfully submitted,


MARSHALL C. RICHMOND